



## Andorra

### Country Reports on Human Rights Practices - [2003](#)

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The Principality of Andorra is a constitutional parliamentary democracy. Two Princes--the President of France and the Catholic Bishop of Seu d'Urgell Spain--serve with joint authority as heads of state, and each is represented in Andorra by a delegate. Elections in 2001 chose 28 members of the Parliament (Consell General), which selects the head of government. The judiciary is independent.

The country has no defense force and depends on Spain and France for external defense. Civilian authorities maintained effective control of the national police, who have sole responsibility for internal security. There were no reports that security forces committed human rights abuses.

France and Spain influenced the country's market-based economy significantly. The country had a population of approximately 68,300. Commerce and tourism were the main sources of income.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Violence against women increased. Some immigrant workers complained that they did not have the same labor rights and security as citizens in practice, despite legal protections.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

###### b. Disappearance

There were no reports of politically motivated disappearances.

###### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Men were held separately from women, as were juveniles from adults. Pretrial detainees also were held separately from convicted criminals. The Government permits visits by independent human rights observers; however, no such visits occurred during the year.

###### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Police legally may detain persons for 48 hours without charging them with a crime. Warrants are required for arrest. The Government declined to modify the law to provide individuals under arrest immediate access to an attorney.

Legislation provides for legal assistance beginning 25 hours after the time of arrest. There was a system of bail.

The country is party to a network of 47 States with prisoner transfer agreements, and qualifying prisoners were permitted to serve their sentences in their own country.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The highest judicial body is the five-member Superior Council of Justice. One member each is appointed by the two Princes; the head of government; the President of the Parliament; and collectively, members of the lower courts. Members of the judiciary are appointed for 6-year terms.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides citizens with safeguards against arbitrary interference with their "privacy, honor, and reputation," and authorities generally respected these prohibitions in practice. No searches of private premises may be conducted without a judicially issued warrant, and violations were subject to effective legal sanction. The law also protects private communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

The independent media were active and expressed a wide variety of views without Government restriction.

Internet access was unrestricted, and the Government did not monitor Internet activity.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution acknowledges a special relationship between the Roman Catholic Church and the State, "in accordance with Andorran tradition." The Catholic Church received no direct subsidies from the Government.

The Government paid the salaries of teachers who taught optional Catholic religious classes to students in public schools; the Catholic Church provided the teachers for these classes.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The law does not provide for the granting of refugee or asylee status to persons who meet the definition of in the

1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, in practice, the Government provided protection against refoulement, and cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. There were three political parties: The Andorran Liberal Party (ALP), the Andorran Democrat Center Party (ADCP), and the Social Democratic Party (SDP).

Parliamentary elections in 2001, considered free and fair, allowed the ALP, (the head of Government's Party) to retain its absolute majority, winning 15 of the 28 seats in Parliament. The ADCP and the SDP won five and six seats respectively. A local group won two seats.

There were no formal barriers for women in government and politics, but relatively few women ran for office. There were 4 women in the 28-member Parliament, and 3 women held Cabinet-level positions.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Approximately ten human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views. The Association of Immigrants in Andorra (AIA) defends the rights of foreign residents, and the Association of Andorran Women (AAW) actively supports women's rights (see Section 5). The Red Cross had a presence within the country.

An Ombudsman received and addressed complaints, some of which were against the Government's policies.

### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution declares that all persons are equal before the law and prohibits discrimination on grounds of birth, race, sex, origin, opinions, or any other personal or social condition, although the law grants many rights and privileges exclusively to citizens.

#### Women

There were reports that violence against women increased from the previous year. The AIA and the AAW received approximately 40 cases of physical abuse against women. Women suffering from domestic violence requested help from the AIA and the AAW, but very rarely filed a complaint with the police for fear of reprisal. There is no specific legislation regarding violence against women, although other laws may be applied in such cases. Some complaints were reportedly filed with the police during the year, but no figures were available, as the police refused to make figures public.

The law prohibits rape and forcible sexual assault, which are punishable by up to 15 years imprisonment.

The law prohibits discrimination against women privately or professionally; however, the AAW reported that, in practice, there were many cases of women dismissed from employment due to pregnancy. Women did not earn equal pay for equal work; observers such as the Andorran Chamber of Commerce, and NGOs such as the Andorran Women's Associations estimated that women earned 25 percent less than men for comparable work, although this gap continued to decrease slowly.

The AAW actively promoted women's issues and collaborated with the Department of Public Health and Social Welfare to help battered women, single parent families, and others in need. Despite demands from both the AAW and the AIA, the Government declined to create a department specifically for women's issues or create shelters for abused women.

#### Children

The Government was committed to children's welfare and provided a universal system of health care and education. The Secretariat of State for the Family was responsible for promoting children's welfare. Free, universal public education began at age 4 and was compulsory until age 16. The Government provided free nursery schools, although their number continued to fall short of what was needed.

There were isolated reports of violence against children, but there was no societal pattern of abuse.

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, in education, and in the provision of other government services, and there were no reports that such discrimination occurred. Societal discrimination against persons with disabilities did exist on a small scale, in the form of social and cultural barriers.

The law mandates access to new buildings for persons with disabilities, and the Government generally enforced these provisions in practice.

#### National/Racial/Ethnic Minorities

Some immigrant workers complained that they did not have the same labor rights as citizens (see Section 6.e.). The law gives legal status to the approximately 7,000 immigrants working in the country with no work permits or residence permits. This law also makes allowances for annual quotas of legal immigrants.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution recognizes the right of all persons to form and maintain managerial, professional, and trade union associations. A registry of associations included the Andorran Trade Unions' Association, a group that represented more than 10 unions of workers in government and the private sector.

Negotiations on laws to protect workers and to develop social security systems and improve labor relations have not occurred; while union interest remained high, the unions claimed the Government has not pursued the matter with any vigor or real interest.

Antiunion discrimination is not prohibited under the law, although there were no reports of such discrimination during the year.

##### b. The Right to Organize and Bargain Collectively

The Constitution states that both "workers and employers have the right to defend their own economic and social interests;" however, there was no law that specifically provides for collective bargaining. Parliament was charged with adopting legislation to regulate this right in order to guarantee the provision of essential services; however, it had not done so by year's end.

Neither the Constitution nor the law states explicitly that strikes are permitted, and there were no strikes.

There are no export processing zones.

##### c. Prohibition of Forced or Bonded Labor

The law does not prohibit forced and bonded labor, including by children, but there were no such reports that such practices occurred.

##### d. Status of Child Labor Practices and Minimum Age for Employment

Children under the age of 18 generally were prohibited from working, although in exceptional circumstances (such as during the Christmas holidays when they are allowed to work as shop helpers) children aged 16 and 17 may be allowed to work. The Labor Inspection Office in the Ministry of Social Welfare, Public Health, and Labor is

responsible for enforcing child labor regulations.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

#### e. Acceptable Conditions of Work

The workweek is limited to 40 hours, although employers may require overtime from workers. The legal maximum for overtime hours is 66 hours per month, and 426 hours per year. An official minimum wage was set by government regulations, although higher wages may be established by contract. The minimum wage is \$6.13 (4.90 euros) per hour, and \$982 (785.7 euros) per month. The minimum wage only provided a bare subsistence standard of living for a worker and family. The Labor Inspection Office enforced the payment of the minimum wage.

Workers may be dismissed with 15 days' to 6 months' notice, depending on how long they have worked for a company. A minimal indemnification of 1 months' salary per year worked was paid if a worker was fired without cause. A dismissed worker received unemployment and health benefits for only 25 days. The Social Security Office controlled retirement benefits. The Labor Inspection Service heard labor complaints.

The Labor Inspection Service set occupational health and safety standards and took the necessary steps to see that they were enforced. During the year, the Labor Inspection Service filed approximately 200 complaints against companies for violating labor regulations, and it had the authority to levy sanctions and fines against such companies. Although the law authorizes employees to refuse certain tasks if their employers do not provide the necessary level of protection, no legislation grants workers the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

Although the Constitution provides that legal foreign residents are to enjoy the same rights and freedoms as citizens, some immigrant workers believed that they did not have the same rights and security. Many immigrant workers held only "temporary work authorizations." When job contracts expired, they had to leave the country. The Government prohibited the issuance of work permits unless workers could demonstrate that they had a fixed address and at least minimally satisfactory living conditions.

#### f. Trafficking in Persons

The law does not prohibit trafficking in persons, although it does provide up to 3 years imprisonment for traffickers of illegal workers. There were no reports that persons were trafficked to, from, or within the country.